S.B. CIVIL WRIT PETITION NO. 3486/2006.
(NIRANJAN KUMAR TANK VS. STATE & ORS.)

DATE OF ORDER : 07.12.2006.

HON'BLE MR. GOVIND MATHUR, J.

Mr. Arjun Purohit for the petitioner/s.
Mr. Shyam Ladrecha, AGA, for the respondent/s.

Under an advertisement dated 28.07.2003, the Director, Secondary Education, Bikaner invited applications from the desirous eligible candidates for the purpose of recruitment to the post of Physical Training Instructor Grade- III. The petitioner considering himself eligible to be considered for appointment as Physical Training Instructor Grade III, submitted an application to be considered for recruitment as such in the district of Chittorgarh and Bhilwara. The candidature of the petitioner was not considered by not treating him eligible to be recruited as Physical Training Instructor Grade- III on the count that the petitioner is having a certificate of Senior Secondary (Vocational) course.

By this petition for writ, a challenge is given by the petitioner to the decision of the respondents not to consider his candidature for the purpose of recruitment as Physical Training Instructor Grade III.

It is contended by counsel for the petitioner that a Division Bench of this Court in the case of Panna Lal Joshi vs. State of Rajasthan & ors. Reported in 2006(6) RDD 3458 (Raj.) (DB) has taken a view that the qualification of Senior Secondary (Vocational Course) is equivalent to Senior Secondary (Academic Course) and in the light of the judgment above, the petitioner is eligible to be considered for appointment as Physical Training Instructor Grade III and rejection of the same by the respondents is illegal.

A preliminary objection is raised on behalf of the respondents that the petition suffers from lacunae of delay on part of the petitioner as the vacancies were advertised on 28.07.2003 and entire process of selection reached to its end in the year 2004, but the present petition for writ was filed on 24.05.2006 i.e. after a lapse of a period of more than two years from the date of completion of selection proceedings. It is emphasized by the counsel for the respondents that in the matter of selection proceedings, such an inordinate delay is fatal for the reason that other persons who have already been appointed, are occupying the posts concerned and civil rights have been accrued in their favours and on such rights by making any space for the petitioner, cannot be disturbed. Learned

counsel for the petitioner failed to give any plausible reason for causing inordinate delay, accept that in similar matters the controversy with regard to equivalence with Senior Secondary (Vocational) with Senior Secondary (Academic) has already been decided by this Court.

Heard learned counsel for the parties.

It is the position admitted that that the selection proceedings in question were initiated by the respondents in pursuant to the notification dated 28.07.2003 and that came to an end in the year 2004. It is true that on merits, the Division Bench held that Senior Secondary (Vocational Course) is a course equivalent to Senior Secondary (Academic), but the selection proceedings in the instant matter stood concluded in the year 2004 and this petition is filed after a gap of about two years, such an inordinate delay in the matter of selection proceedings is fatal and the Court cannot permit to raise a stale matter that disturbs settled rights.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/